

**FEDERER, FEDERER
& DIEHL, LLP**

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November 17, 2000

**FEDERAL EXPRESS
AIRBILL #823707440126**

Mr. Jeff S. Jordon
Supervisory Attorney
Central Enforcement Docket
Office of the General Counsel
Federal Election Commission
999 East Street NW
Washington, DC 20463

In re: MUR 5112 - Statement of Designation of Counsel

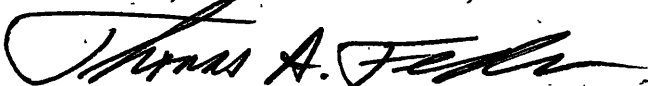
Dear Mr. Jordon:

As counsel to the Federer for Congress Committee, Thomas M. Busken, Treasurer, and William J. Federer named in the above-captioned MUR, enclosed is the Response to the Complaint filed in this matter.

Thank you for your attention.

Sincerely,

FEDERER, FEDERER & DIEHL, LLP



Thomas A. Federer

TAF/drw
Enclosure
fedcongressltr.jordon4

STATEMENT OF DESIGNATION OF COUNSEL

MUR 5112

NAME OF COUNSEL: Thomas A. Federer

FIRM: FEDERER, FEDERER & DIEHL, LLP

ADDRESS: 201 S. Fifth Street

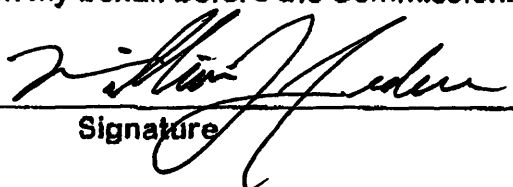
St. Charles, MO 63301

TELEPHONE: (636) 949-2424

FAX: (636) 949-9610

The above-named individual is hereby designated as my counsel
and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

11/17/00
Date


Signature

RESPONDENT'S NAME: FEDERER FOR CONGRESS COMMITTEE
William J. Federer

ADDRESS: P.O. Box 4373

St. Louis, MO 63123

TELEPHONE: HOME [REDACTED]

BUSINESS: (314) 984-0044

24.04.409.0043

BEFORE THE FEDERAL ELECTION COMMITTEE

FEDERER FOR CONGRESS COMMITTEE)
THOMAS M. BUSKEN, TREASURER AND)
WILLIAM J. FEDERER) MUR 5112
_____))

RESPONDENTS' ANSWER TO COMPLAINT

Federer for Congress Committee, Thomas M. Busken, Treasurer and William J. Federer (collectively, the "Respondents") by and through the undersigned counsel, hereby respond to the complaint in the above-captioned Matter Under Review. Because the complaint is factually inaccurate and rests solely on unsubstantiated allegations reported in a newspaper article, and otherwise lacks merit, Respondents respectfully request that the Commission take no further action in this matter, and dismiss the complaint.

1. THE COMPLAINT IS FACTUALLY INACCURATE

The entire complaint is based on "allegations" in the September 21, 2000 edition of the St. Louis Post-Dispatch. Paragraph 2 Page 1 of Complaint. Distilled to its essence, the complaint asserts three allegations: 1) that Federer Campaign is engaging in an improper action by contracting with Hutchings Marketing for its office staffing needs for the campaign, 2) The Federer Campaign has improper descriptions on it's FEC reports for the payment of fees to Hutchings Marketing and 3) William J. Federer is purportedly violating the rules regarding personal use of a campaign van. These allegations are factually inaccurate, as is the complaint's unsubstantiated conclusion that "In sum, the payments to Hutchings Marketing and the use of campaign funds for a vehicle may constitute a serious violation of Federal Election law."

Paragraph 10 Page 2 of Complaint.

With respect to the first allegation, quite simply hiring a company for temporary office staffing needs for the campaign does not constitute a violation of any federal election laws. The Federer For Congress Committee contracted with Hutchings Marketing for political consulting and fund-raising services, temporary staffing needs and office equipment rental. Affidavit of Busken ("Busken Aff.") at P. 3. In fact, William Federer's opponent Richard Gephardt and his campaign hired and reported payments to a marketing firm, Telephone Contact, Inc., believed to be owned and operated by his campaign political director Joyce Aboussie. If this would provide a basis for a FEC complaint, Respondents would request to be so advised and then respond in kind.

With respect to the second allegation, Federer For Congress Committee believes its disbursement descriptions are proper. Any reporting entries deemed insufficient is and was not intentional, and was an oversight. If required, ten (10) entries will be corrected by the filing of an amended return for the applicable 12/99 reporting period. Busken Aff. at P. 3 and 4.

With respect to the third allegation, the campaign purchasing and owning a vehicle does not constitute a violation of any federal election laws. On July 30, 1999, the Federer For Congress Committee purchased a 1999 Ford Windstar Van, VIN# [redacted] for campaign purposes. Over fifteen (15) different drivers used the van for campaign purposes. Mr. William J. Federer and his wife have two other automobiles for personal use and did not use said van for purposes unrelated to the campaign. Affidavit of William J. Federer ("Federer Aff.") at P. 2-5.

2. THE COMPLAINT IS POLITICALLY MOTIVATED

The entire complaint is based on "allegations" in the September 21, 2000 edition of the St. Louis Post-Dispatch. Paragraph 2 Page 1 of Complaint. The writers are Carolyn Tuft and Jo Mannies. These reporters demanded the Federer campaign produce documents stating that said documents were required to be produced to them by election laws. These reporters do the bidding of Richard Gephardt and his campaign political director, Joyce Aboussie. One of these reporters even admitted to the undersigned counsel in a telephone conversation that she had meetings with Joyce Aboussie on a regular basis.

The campaign responded to these writers telling them that the campaign has complied with the FEC election reporting requirements and all records which were required to be produced were available on-line at www.fec.org. This response was unacceptable to them. Upset, they printed the article which forms the basis of the complaint in a deliberate attempt to smear William J. Federer and his campaign and imply that there were financial improprieties with his campaign and that the campaign was improperly failing to disclose relevant documents.

Said article was calculated to damage Mr. Federer and his campaign. It was then used as a basis for: (A) further articles to "create" a purported history of "financial mismanagement", (B) Gephardt campaign commercials and (C) this complaint. The newspaper article served no other purpose than political exploitation and gain at the expense of Mr. Federer, his good name, character and reputation in the community.

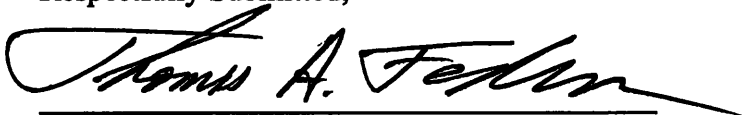
Unfortunately, this tactic was predicted in our clients' response to an earlier and similar FEC Complaint (MUR 5039) which stated how Mr. Gephardt and his campaign utilized the press as a "powerful accomplice" to generate, publicize and promote such charges. See, Gephardt's book, "An Even Better Place, America in the 21st Century", Like Public Affairs (1999). Pages

(1999). Pages 203-204. This complaint is politically motivated, factually inaccurate and should be dismissed accordingly.

CONCLUSION

For the foregoing reasons, Respondents herein respectfully request that the Commission dismiss the complaint.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas A. Federer", written over a horizontal line.

Thomas A. Federer - MBE #37139
FEDERER, FEDERER & DIEHL, LLP
201 S. Fifth Street
St. Charles, Missouri 63301
(636) 949-2424
Fax (636) 949-9610

Dated: November 17, 2000

BEFORE THE FEDERAL ELECTION COMMITTEE

FEDERER FOR CONGRESS COMMITTEE)
THOMAS M. BUSKEN, TREASURER AND)
WILLIAM J FEDERER) MUR 5112
_____)

AFFIDAVIT OF THOMAS M. BUSKEN, TREASURER

I, the affiant, Thomas M. Busken, bascd on my personal knowledge, information and belief hereby state:

- 1 I am the Treasurer for Federer for Congress and a licensed CPA.
2. As the Treasurer for the campaign, my firm's duties include review, preparation and filing of the campaign reports and compliance with requirements of the Federal Election Commission.
3. The Federer For Congress Committee contracted with Hutchings Marketing for political consulting services, temporary staffing needs and office equipment rental. I have reviewed all the campaign reports with respect to distributions made to Hutchings Marketing for the reporting period from 7-1-99 through 7-19-00 and of the thirty-eight entries, ten entries on the 12-99 reporting period state "services rendered." After this reporting period, the disbursement descriptions were more detailed. Said ten entries for the 12-99 reporting period were for political consulting services, temporary staffing needs and office equipment rental.
4. Any lack of greater detail on the 12-99 reporting period was an oversight on our part, which we believe is de minimis and if, necessary, we will file an amended report for said reporting period.

24.04.409.0043

I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information, and belief, this 17th day of November, 2000.

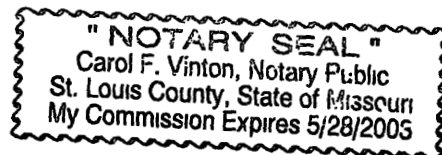
Thomas M. Busken
Thomas A. Busken, Treasurer

Subscribed and sworn to before me this 17th day of November, 2000.

Carol F. Vinton
Notary Public

My Commission Expires :

5-28-03



2004.11.17

BEFORE THE FEDERAL ELECTION COMMITTEE

FEDERER FOR CONGRESS COMMITTEE)
THOMAS M. BUSKEN, TREASURER AND)
WILLIAM J. FEDERER) MUR 5112
_____)

AFFIDAVIT OF WILLIAM J. FEDERER

I, the affiant, William J. Federer, based on my personal knowledge, information and belief hereby state:

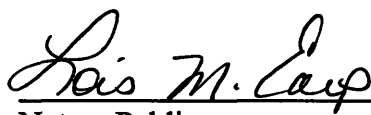
1. I was a candidate for the United States Congress for the Third Congressional District of Missouri.
2. On July 30, 1999, the Federer For Congress Committee purchased a 1999 Ford Windstar Van, VIN # _____ for campaign purposes.
3. Over fifteen (15) different drivers have used the van solely for campaign purposes.
4. The van was not used for personal use unrelated to the campaign.
5. My wife and I have two other automobiles available for personal use.

I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information, and belief, this 17th day of November, 2000.



William J. Federer

Subscribed and sworn to before me this 17th day of November, 2000.



Notary Public

My Commission Expires :

LOIS M. EARP
Notary Public • Notary Seal
STATE OF MISSOURI
St. Charles County
My Commission Expires: April 22, 2003